

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KARL BUTLER,

Plaintiff,

v.

UPPER MERION TOWNSHIP, et al.,  
Defendants.

CIVIL ACTION

NO. 22-3638

ORDER

AND NOW, this 6th day of February, 2025, upon consideration of Defendants' Upper Merion Township (the "Township Defendant" or the "Township") and Jane/John Doe Officers 1-15 (the "Officer Defendants" or the "Officers") (together, the "Defendants") Motion to Dismiss for Failure to State a Claim (the "Motion") (ECF No. 6) and Plaintiff's Response in Opposition thereto (ECF No. 8), it is ORDERED that the Motion is **GRANTED IN PART** and **DENIED IN PART**.

IT IS FURTHER ORDERED that:

- (1) the Motion is **GRANTED** as to Count II (*Monell* Municipal Liability pursuant to 42 U.S.C. § 1983) as to both Defendants;
- (2) the Motion is **DENIED** as to Counts I (State-Created Danger pursuant to 42 U.S.C. § 1983) and III (Fourth and Fourteenth Amendment: Failure to Intervene) as to both Defendants; and
- (3) as to Count VII (Intentional Infliction of Emotional Distress) and Plaintiff's request for punitive damages, the Motion is **GRANTED** as to the Township Defendant and **DENIED** as to the Officer Defendants.

IT IS SO ORDERED.

BY THE COURT:

/s/ Hon. Kelley B. Hodge

HODGE, KELLEY B., J.